

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

RONNIE LEE SMITH
ADC #134161

PETITIONER

VS.

5:07CV00078 WRW/JTR

LARRY NORRIS, Director
Arkansas Department of Correction

RESPONDENT

ORDER

Respondent has filed a Motion to Dismiss (docket entry #15) the Petition for a Writ of Habeas Corpus arguing that the Petition should be dismissed, without prejudice, due to Petitioner's failure to exhaust state court remedies, specifically a Rule 37 Petition and a Motion to Correct Judgment and Commitment Order that are currently pending in state court. The Court will therefore direct Petitioner to file a Response addressing the arguments raised in the Motion to Dismiss.

IT IS THEREFORE ORDERED THAT Petitioner shall file a Response to Respondent's Motion to Dismiss (docket entry #15) **on or before September 21, 2007.**

Dated this 24th day of August, 2007.


UNITED STATES MAGISTRATE JUDGE